IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF JUNE

TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.4180 of 1999

Between:

P.V.L.Narasimha Rao S/o. Venkatapathi,
Medikondur Mandal Guntur District.

..... PETITIONER

AND

1 M/s.Hindustan Petroleum Corporation Ltd., Rep by its

Chief General Manager,120/1, S.D.Road, Post Box No.5,
Secundrabad-500 003.
2 The Commissioner Civil Supplies Department,
Civil Supplies Bhavan, Somajiguda,
Hyderabad--500 004.
3 M/s. Krishna Tulasi Gas Agency Rep by its Proprietor
Tripuraneni Venu Prasad, S/o. Lakshminarayana,
1/1/5B, Chowdarypeta, Guntur-- 522 006.
4 Mr. U.M.Ghatge, Arbitrator, General Manager, (South Zone)
Hindustan Petroleum Corporation Ltd., 120/1, S.D.Road,
Post Box No.5, Secundrabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass an order or orders, Writ more particularly one in the nature of Writ of Mandamus directing the respondents No. 1 and No. 2 herein to enquire into the reasons and circumstances which lead the 1st respondent to compromise with the 3rd respondent when the appeal filled by the first respondent is pending before the City Civil Court and consequently declare the action of the first respondent in

compromising with the 3rd respondent in E.P No. 64 of 1998 on the file of the senior Civil Judge, Guntur as illegal, arbitrary and collusive.

Counsel for the Petitioner: M/S.C.KODANDA RAM

Counsel for the Respondent Nos.1 and 4: M/s.Amancharla Krishna Murti, Standing Counsel for Hindustan Petroleum Corporation Ltd.,

Counsel for the Respondent No.2: GP FOR CIVIL SUPPLIES

Counsel for the Respondent Nos.3: Mr.GUDAPATI VENKATESWARA RAO

The Court made the following:

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ORDER:

The petitioner is availing L.P. gas connection from the third respondent. When he shifted his residence to Perecharla from Guntur, he asked the third respondent to transfer Subscription Voucher and issue necessary correction so as to enable him to obtain permission from the Mandal Revenue Officer to carry the cylinder from Guntur to Perecharla. The same was not done. Therefore the petitioner gave a complaint to the first respondent making various allegations against the third respondent. In this writ petition, it is the grievance of the petitioner that though an enquiry was initiated initially, the first respondent compromised the matter with the third respondent and dropped the entire action. Therefore, the present writ petition is filed seeking a direction to the respondents 1 and 2 to enquire into the reasons and circumstances leading to the compromise.

The writ petition was admitted on 03.3.1999. It is now brought to the notice of this Court by the learned Counsel for the third respondent that Guntur District Consumers Welfare Council filed W.P.No.2384 of 1999 before this Court seeking a writ of Mandamus directing the first respondent herein and its chairman to cause an enquiry with regard to the irregularities committed by the third respondent, and that by an order dated 12.3.1999 this Court disposed of the said writ petition directing the first respondent to conduct enquiry after giving an opportunity to the complainants as well as the third respondent. It is also informed by the learned Counsel that pursuant to the said order, the complaint of the petitioner was referred to an arbitrator who passed an award, and therefore, nothing survives in this writ petition. The learned Counsel for the petitioner, however, submits that against the award of the arbitrator, an O.P. was filed in City Civil Court, Hyderabad and even while the O.P. was pending, the matter was compromised.

The controversy is in very narrow compass. The petitioner came to the Court with a grievance that on a complaint made by him, the first respondent initiated enquiry but dropped the action. Admittedly, an enquiry was initiated initially and subsequently pursuant to the orders of this Court dated 12.3.1999 in W.P.No.2384 of 1999, the

matter was admittedly referred to arbitrator. That only means, the grievance of the petitioner has been sufficiently redressed and nothing survives in this writ petition. However, if the third respondent has not issued Subscription Voucher, the petitioner is given liberty to approach the third respondent again.

The writ petition, with the above observation, is accordingly dismissed.

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(V.V.S.RAO,J)

07.06.2005

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To

1 The Chief General Manager, M/s.Hindustan Petroleum

Corporation Ltd.,120/1, S.D.Road, Post Box No.5,
Secundrabad-500 003.

2 The Commissioner, Civil Supplies Department,
Civil Supplies Bhavan, Somajiguda,
Hyderabad--500 004.

3 Mr. U.M.Ghatge, Arbitrator, General Manager, (South Zone)
Hindustan Petroleum Corporation Ltd., 120/1, S.D.Road,
Post Box No.5, Secundrabad.

4 Two CCs to the Government Pleader for Civil Supplies,

High Court Buildings, Hyderabad.

5 Two C.D. copies.